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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Siskiyou)

THE PEOPLE,

Plaintiff and Respondent,

v.

JORGE VELASQUEZ,

Defendant and Appellant.

C069451

(Super. Ct. No.
11-0681)

Defendant Jorge Velasquez was charged by information with attempted murder (count 1; Pen. Code, §§ 664/187, subd. (a)),¹ assault by means of force likely to produce great bodily injury (count 2; § 245, subd. (a)(1)), and street terrorism (count 3; § 186.22, subd. (a)). As to count 1, defendant was alleged to have personally used a deadly and dangerous weapon. (§ 12022, subd. (b)(1).) As to counts 1 and 2, defendant was alleged to

¹ Further undesignated section references are to the Penal Code.

have committed the offenses for the benefit of a street gang.
(§§ 186.22, subds. (b)(1)(B), (b)(1)(C).)

After the commencement of jury trial, defendant pled guilty to count 2 and admitted all enhancements in return for the dismissal of the other charges and a 15-year maximum state prison sentence.

On September 29, 2011, the trial court sentenced defendant to an aggregate state prison term of 14 years, consisting of four years (the upper term) on count 2 and 10 years consecutive for the enhancement under section 186.22, subdivision (b)(1)(C). The court imposed a \$3,000 restitution fine (§ 1202.4, subd. (b)), a suspended \$3,000 restitution fine (§ 1202.45), a \$40 court security fee (§ 1465.8), and a \$30 criminal conviction assessment (Gov. Code, § 70373). The court awarded 169 days of presentence custody credits (147 actual days and 22 conduct days).

According to the preliminary hearing, Siskiyou County Sheriff's Deputy Darrell Frost was dispatched to Dorris City Hall on May 7, 2011, to respond to a reported stabbing. He found a bloodstained knife in a planter outside the building. Inside the building was a stabbing victim. Deputy Frost was told that defendant had followed the victim into a bathroom, asked him what town and on what street in Mexico he came from, then stabbed him. Investigating officers learned that defendant claimed affiliation with a Sureño gang in Selma, California, and believed a stabbing would enhance his reputation within the gang.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

NICHOLSON, Acting P. J.

We concur:

HULL, J.

MURRAY, J.